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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,993	03/31/2004	Hideki Kuwajima	43890-672	6416

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McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,993

Applicant(s)

KUWAJIMA, HIDEKI

Examiner

Christopher R. Magee

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement(s) (IDS) submitted on 9/23/2004 and 3/31/2004 is/are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

Drawings

3. Figures 9a, 9b, 10a and 10b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohnishi et al. (hereinafter Ohnishi) (US 6,751,092 B1).

Regarding claims 1, 5, 6, 8, 12, 13 and 20, Ohnishi discloses a shock-absorbing member disposed on a main body of electronic equipment (i.e. disk drive) [col. 15, lines 43-49], and comprising a shock absorbing base part 432 and a shock-absorbing flexible part 431,

wherein the shock-absorbing base part has a thickness smaller than that of the shock-absorbing flexible part, and the shock-absorbing base part buckles so as to absorb a shock when receiving an impact [Figure 9; col. 15, lines 50-60].

Regarding claims 2, 9, 21 and 22, Ohnishi discloses the shock absorbing base part forms a bending part which is vertical to the shock direction, and starts buckling at the bending part of the shock-absorbing base [Figure 9].

Regarding claims 3 and 10, Ohnishi shows the shock-absorbing base part and the shock-absorbing flexible part are disposed so that their long sides are substantially in parallel with a direction of an impact force [Figure 9].

Regarding claims 4 and 11, Ohnishi shows the shock-absorbing base part and the shock-absorbing flexible part are integrally molded forming a unit [Figure 9].

Regarding claims 7 and 14, Ohnishi discloses the shock-absorbing base part has a hardness higher than that of the shock-absorbing flexible part [col. 14, lines 56-61].

Regarding claim 15, Ohnishi shows at least 3 pieces of the shock absorbing member are disposed between a plane of a main body of the device and a plane of an outside constituent member facing the device [Figure 2].

Regarding claims 16 and 23, Ohnishi shows wherein the shock-absorbing members are disposed between a plane of main body of the device and a plane of an outside constituent member facing the device,

wherein an angle the planes are vertically making to a joint plane between the shock-absorbing base part and the shock-absorbing flexible part of an adjacent shock absorbing member is 60° at least and 120° at most [Figure 2].

Regarding claim 17, Ohnishi discloses the shock-absorbing member is affixed to one of an outside face of the main body of the device and an inside face of the outer case [col. 13, lines 16-29].

Regarding claims 18 and 19, Ohnishi discloses the shock-absorbing member is in one of shapes of cuboid, cylinder, half-cylinder, oval-cylinder, half-oval cylinder, and polygonal prism, wherein a face of the shock-absorbing member having the shock-absorbing base part is in parallel with the joint plane between the shock-absorbing base part and the shock-absorbing flexible part [col. 15, line 61 to col. 16, line 2].


Conclusion


5. The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure has been annotated on PTO-492.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ANGEL CASTRO
PRIMARY EXAMINER


Christopher R. Magee
Patent Examiner
Art Unit 2627

July 21, 2006
crm